

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
DECEMBER 9, 2002
HUGHES AUDITORIUM
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:47 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Vic Peterson, Building Official; Paul Adams, Parks and Recreation Director; Rick Morgan, City Engineer / Acting Public Works Director; Drew Purvis, Planning Director; Stacey Rice, Senior Planner; Barbara Cameron, Grants Writer; Pete Lippman, City Treasurer; and Lisa Pope, City Clerk

FLAG SALUTE

Pete Lippman led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin reported that the Council met in closed session at 5:30 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9 (a):

1. Cher v. City of Malibu
Los Angeles County Superior Court Case No. SS10632
2. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410

4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355
5. City of Malibu v. California Coastal Commission
Los Angeles County Superior Court Case No. SC074641
6. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
7. Darian v. Accent Builders et al.
United States District Court Case No. 00-10255-FMC(JWJ)
8. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723
9. Land Use Preservation Defense Fund v. California Coastal Commission (LUP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011388
10. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
11. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
12. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
13. Sweeney et al v. California Coastal Commission (LCP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011387
14. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
15. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
16. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794

Initiation of Litigation pursuant to Government Code Section 54956.9(c):

17. Number of cases: 2

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

18. Number of Cases: 1

Conference with Labor Negotiators pursuant to Government Code Section 54957.6:

19. Unrepresented employee: City Treasurer

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

20. *Property located at: 3731 Las Flores Canyon Road*
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Jack Willis

21. *Property APN: 4458-018-002, 018, 019*
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Roy E. Crummer

City Attorney Hogin reported that the Council met in Closed Session at 5:35 p.m. She stated the Council discussed several but not all items listed on the Closed Session agenda and took no reportable action. She announced that after the conclusion of Closed Session, the City Treasurer accepted the City's offer related to Amendment #3 of his contract. She therefore recommended that the Council add a Consent Calendar item to the agenda to approve the amendment.

APPROVAL OF AGENDA

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to add an item to the Consent Calendar related to the City Treasurer's contract with a recommendation to approve an amendment. The motion carried unanimously.

Mayor Jennings suggested moving Item 5.C. prior to Item 4.A.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to approve the agenda with adding Item 3.B.9., City Treasurer's Contract, to the Consent Calendar; Item 5.C. moved prior to Item 4.A.; and adjourning in memory of Former Planning Commissioner Ed Lipnick, Corporal Jason D. Fisher and Private First Class Joseph P. Favorito III. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on November 27, 2002, with the amended agenda posted on December 6, 2002.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Swearing in of Mobilehome Park Rent Stabilization Commissioners

City Clerk Pope swore in Leslie Moss as a Mobilehome Park Rent Stabilization Commissioner.

ITEM 2A. PUBLIC COMMENTS

John Mazza suggested City Council agenda packets be distributed at least 20 days prior to Council meetings to allow the public more time to provide comments.

David Kramer requested the Council provide monetary support to Malibu schools.

B. COUNCIL COMMENTS

Councilmember Stern discussed SolePurpose, a project to collect shoes for the homeless. He requested SolePurpose be invited to an upcoming Council meeting to introduce the program. He stated the City of Malibu continually supported schools. He announced a memorial for Ed Lipnick on Monday, December 16, 6:30 p.m.

Councilmember House stated she and Councilmember Barovsky met with the Chamber of Commerce to discuss the possibility of a Malibu credit card which could generate funds for parks and recreation and schools. Parks and Recreation Director Adams indicated the Chamber Board had considered the matter and was supportive. City Manager Lichtig indicated the matter would be on the January 13, 2003 City Council agenda. Councilmember House congratulated staff on the recent Quarterly City newsletter. She announced the implementation of the commercial and multi-family recycling program.

Councilmember Barovsky indicated she and Councilmember Stern met as an ad hoc committee with Kimberly Nielson and Administrative Services Director James to discuss issues regarding filming. She announced the next filming ad hoc meeting on December 11, 2:00 p.m., City Hall Large Conference Room. She encouraged residents to support the City credit card program to bring in funds for the City's youth. She stated she attended the Business Roundtable meeting held at the Boys and Girls Club and encouraged residents to visit the Club.

Mayor Pro Tem Kearsley congratulated Leslie Moss on his appointment to the Mobilehome Park Rent Stabilization Commission. He discussed the wall breaking ceremony held at the future senior center. He indicated his commitment to assist schools. He expressed his condolences to the Lipnick family. He suggested sending a letter of condolence to the families of those the Council was adjourning in memory of.

CONSENSUS

By consensus, the Council directed staff to send a letter of condolence to the families of Corporal Jason D. Fisher and Private First Class Joseph P. Favorito III.

Mayor Pro Tem Kearsley suggested sponsoring a holiday party next year for the City's adopted Alpha Company.

Councilmember Barovsky stated the Lipnick family requested donations to the Malibu Labor Exchange be made in lieu of flowers.

Mayor Jennings announced the City's Holiday Open House, December 13, 2002, 4:00 – 6:00 p.m. at City Hall. He explained that staff reports were distributed 10 days prior to Council meetings.

CONSENSUS

By consensus, the Council determined to have Councilmember Stern invite SolePurpose to attend an upcoming Council meeting to introduce the program.

Mayor Jennings discussed funding for local schools. He stated he attended the Boys and Girls Club presentation and commended them on their operation. He discussed the upcoming Interim Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting on December 11, 2002.

ITEM 3 **CONSENT CALENDAR**

Item 3.B.7. was pulled by the public.

MOTION Councilmember Stern moved and Councilmember House seconded a motion to approve the Consent Calendar with the exception of Item 3.B.7. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Staff recommendation: To allow and approve warrant demand numbers 20671 through 20799 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 274 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands,

- including payroll checks, in a total amount of \$813,478.62 including ADP payroll voucher numbers 487588-497601.
3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 Relating to the Landslide Road Failure at Corral Canyon
Staff recommendation: Re-affirm the State of Local Emergency by minute order.
 4. Annual Audit Report and Management Letter for Fiscal Year 2001-02
Staff recommendation: Receive and file report.
 5. Council Authorization for the Director of Building Safety to Negotiate, Sign and Execute a Contract with the State Water Quality Control Board for a Clean Beaches Initiative Grant Fund Project (Proposition 13)
Staff recommendation: Adopt Resolution No. 02-49 authorizing the Director of Building Safety (City Manager's designee) to negotiate and execute a grant contract along with any amendments and to certify grant invoices on behalf of the City.
 6. Acceptance of Public Information and Education (PIE) Grant for Las Flores Park
Staff recommendation: Approve acceptance and implementation of Public Information and Education (PIE) grant from the Santa Monica Bay Restoration Project (SMBRP) and authorize staff to execute related agreements.
 8. Resolution of Intent to Initiate Zoning Text Amendment Regarding Wireless Telecommunications Antennas and Facilities
Staff recommendation: Adopt Resolution No. 02-50 initiating the Zoning Text Amendment (ZTA) regarding wireless telecommunications antennas and facilities.
 9. City Treasurer Contact Amendment
Staff recommendation: Approve Amendment No. 3 to the City Treasurer's contract.

The following item was pulled from the Consent Calendar for individual consideration:

7. Design and Project Management Contract for Zumirez Drive Realignment Project
Staff recommendation: Authorize the City Manager to execute professional services agreement with CBM Consulting, Inc. to prepare plans and specifications and project management services through construction of the Zumirez Drive Realignment Project.

City Engineer Morgan presented the staff report.

John Mazza suggested the contract include moving the bus stop to the south side of Zumirez. He requested the vacant land be designed.

Councilmember House suggested the time frame be more clearly spelled out. City Attorney Hogin explained the time frame allowed for construction. City Engineer / Acting Public Works Director Morgan explained that the bus pad would be relocated to the south side of Zumirez. He explained that that vacated property would be graded and landscaped.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to authorize the City Manager to execute a professional services agreement with CBM Consulting, Inc. to prepare plans and specifications and project management services through construction of the Zumirez Drive Realignment Project. The motion carried unanimously.

ITEM 5 OLD BUSINESS

C. Summary of Traffic Program and Options for Speed Control on Pacific Coast Highway

Staff recommendation: Consider the options presented and provide policy direction to staff on measures to implement to reduce speeds on Pacific Coast Highway including use of modified enforcement techniques, a decoy car, laser radars and speed trailers.

City Manager Lichtig presented the staff report.

Carol Randall, Chair of the Public Safety Commission, indicated the Commission voted unanimously to support the staff proposal to reduce speeding on Pacific Coast Highway. She urged the Council to support the staff recommendation.

Will Horwer discussed the need for a traffic signal at Serra Road and Pacific Coast Highway. He encouraged residents to slow down. He discussed speeds traveled on Pacific Coast Highway. He suggested the use of cell phones while driving be made illegal within the City of Malibu.

John Mazza suggested pedestrians be ticketed for j-walking.

Ryan Embree discussed the City's requirement to fund California Highway Patrol on Pacific Coast Highway within the City. He questioned whether a \$13,000 start up cost was necessary for a motorcycle officer and whether contracting with the CHP would be more cost effective. He encouraged enforcement of speeders. He expressed concern about the double fine speed limits because it would open up the current speed limits for review.

Ted Vaill indicated support for the proposal. He suggested residents drive 45 miles per hour. He also suggested installing symbols of fatalities as a sobering reminder of the dangerous situation.

Councilmember House thanked the Public Safety Commission for their input. In response to Councilmember House, City Manager Lichtig explained that the proposal was to replace a car with a motorcycle officer. Councilmember House asked about the BMW motorcycles. Sgt. Mauch explained that Kawasaki provided the best fleet prices. He explained difficulties that would arise utilizing CHP for motor patrol. Councilmember House indicated support for the recommendations.

Mayor Pro Tem Kearsley indicated support for the staff recommendation. He discussed the success of the laser officer. He stated the speed of Pacific Coast Highway was simply a function of enforcement. In response to Mayor Pro Tem Kearsley, Sgt. Mauch explained that the motorcycle officer would utilize a car during inclement weather.

Mayor Jennings asked about increased ticketing during the first few years of Cityhood. He asked if increased enforcement could be implemented with a compressed use of resources, increasing enforcement could be implemented. Sgt. Mauch stated the idea of combined enforcement will be implemented. He discussed the funds set aside in 1992 for supplemental traffic enforcement.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to exchange a traffic car based officer for a motorcycle officer, purchase all laser radars, deploy a decoy car in conjunction with a speed indicator device and pursue the imposition of a Maximum Speed limit and double fines on Pacific Coast Highway. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Award of Community Development Block Grants for FY 2003-04
Staff recommendation: Consider alternatives and award the Community Development Block Grant (CDBG) funds for public service programs in the 2003-2004 fiscal year.

Administrative Services Director James presented the staff report.

MOTION Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to allocate \$13,074 to the Malibu Community Labor Exchange and \$8,716 to the CDBG program management. The motion carried unanimously.

- B. Appeal No. 02-006 – An Appeal of the Planning Commission’s Resolution No. 02-17 Conditionally Approving Plot Plan Review 00-129 and Site Plan Review 00-083 for the Construction of a New Two-Story Single-Family Bluff-Top Residence Above the Base 18-Feet in Height. The City Council will Consider the Level of Impact to Public and Private Views on the Pacific Ocean and Consistency with the General Plan Land Use Policy 1.1.5, Land Use

Implementation Measure 8 and Land Use Implementation Measure 28.
Appellant: Patt Healy and/or Malibu Coalition for Slow Growth; Applicant:
Barsocchini & Associates; Owner: Arthur and Kimberly Silver; Location: 24950
Pacific Coast Highway

Staff recommendation: Adopt Resolution No. 02-38 denying Appeal No. 02-006 and approving Plot Plan Review No. 00-129 and Site Plan Review No. 00-083 at a maximum of 24 feet in height for a portion of new two-story single-family bluff top residence.

Councilmember Stern recused himself at 7:45 p.m.

Senior Planner Rice presented the staff report.

Kevin Kozal, representing the applicant and property owner, provided an overview of the project. He discussed the Coastal Commission staff's input related to view impacts. He urged the Council to allow the project to proceed.

John Mazza read a portion of the LCP regarding scenic roads and maximum allowable heights. He stated the Council would have to determine that the proposed structure would create less view impacts. He urged the Council to condition the project to 18 feet in height.

Patt Healy stated the Council must make a finding that the public views would be protected to the maximum extent feasible. She stated the project could be further reduced in height and square footage to reduce view impacts. She questioned the allowable square footage and suggested an independent surveyor determine the allowable square footage. She compared the proposed structure to the Dugan house. She provided suggested conditions for the project.

Ted Vaill indicated support for Ms. Healy's appeal. He discussed the square footage calculations.

Mike Barsocchini and Kimberly Silver deferred their time to Mr. Kozal.

Kevin Kozal refuted comments by the speakers regarding structure size, landscaping, and square footage. He stated it would be punitive to deny the project.

Mayor Pro Tem Kearsley asked if staff conducted an analysis regarding the difference between view blockage for an 18 foot structure and a 28 foot structure. Senior Planner Rice indicated she had not. In response to Mayor Pro Tem Kearsley, Senior Planner Rice indicated staff had not been provided with an analysis of the project from Mr. Kozal or Ms. Healy. She indicated the Coastal Commission had not analyzed view blockage provided by landscaping. In

response to Mayor Pro Tem Kearsley, Senior Planner Rice indicated she had not reviewed the vested plans in terms of landscaping.

Mayor Jennings asked if the City was compelled to reduce every house to the minimum amount so long as view blockage was reduced. City Attorney Hogin explained the Zoning Ordinance and General Plan policies, explaining that the view blockage difference was at hand. She stated the City had never taken the position that one had to build a house as low to the ground as feasible.

Councilmember House disclosed that she received 8 phone messages on her answering machine indicating additional information would be provided to her.

Mayor Jennings discussed the documents he had received regarding the project.

Mayor Pro Tem Kearsley indicated he spoke with Ms. Healy regarding her suggestion for Zone A and Zone B landscaping.

Councilmember Barovsky disclosed that she had received the documents as indicated by Mayor Jennings. She stated she spoke with Patt Healy who had told her that she would drop something off.

Councilmember House stated landscaping had not been included in view protection. She questioned how a determination was made on view blockage. Senior Planner Rice indicated staff had requested a view analysis and new story poles installed. City Attorney Hogin explained that the Silvers were suggesting landscaping and structure be included in consideration of view blockage. She stated the City had usually considered landscaping independently from the house in considering view blockage. She suggested the Council determine whether or not the findings could be supported. She explained how the Coastal Commission input came about. She stated the City's decision was based on the site plan review findings. Councilmember House asked if landscape zones could be conditioned. City Attorney Hogin stated the Council could impose landscape conditions. Councilmember House asked the height of the trellis portion of the house. Senior Planner Rice indicated 18 feet. Councilmember House stated an 18 foot high trellis just added more mass to the structure.

Mayor Jennings discussed the size of the house and allowable square footage. He expressed concern regarding the General Plan policy indicating the City must protect views to the maximum extent feasible. He stated the City had never applied that General Plan provision in that way. He stated the City allowed 18 foot height as a matter of right. He discussed the protection of primary views and protection to the maximum extent feasible. He stated the public view impact is less significant being that the views were from traveling vehicles. He stated he felt the proposed project had protected public and private views to the maximum extent feasible. He questioned the proposed landscape easement provision.

Mayor Pro Tem Kearsley discussed the need to preserve public views. He suggested limiting the house to 18 feet in height. He stated the difference between 18 and 24 feet was significant. He suggested the vegetation be limited to 42 inches on the east and west of the structure and any vegetation should never exceed the height of the roof at any time. He indicated support for an 18 foot structure.

Councilmember Barovsky asked why 25 foot landscaping was being allowed. Planning Director Purvis stated staff and the Planning Commission determined that a 24 foot house was protecting public and private views to the maximum extent feasible. He explained that a 25 foot landscaping height was established so that Mr. Goldman would not see the structure from his office building. Councilmember Barovsky asked why the Planning Commission's Condition No. 14 regarding trellis was not included. Planning Director Purvis stated it was omitted in error and staff would recommend including the condition as included in the Planning Commission resolution.

Councilmember Barovsky requested clarification on voting. City Attorney Hogin stated 3 votes in favor of the resolution would be required for it to pass.

Councilmember House concurred with Mayor Pro Tem Kearsley regarding public view impacts. She stated a significant portion of the view would be blocked by the proposed house. She stated the view was not protected to the maximum extent feasible. She indicated support for an 18-foot structure, landscape zones, view easement and reduced trellis height.

Mayor Jennings disagreed that an oblique view existed. He stated the City had never applied "to the maximum extent feasible".

Councilmember Barovsky asked if the applicant could rearrange on the lot and spread the structure out if the Council approved an 18 feet height maximum structure. Planning Director Purvis explained the development envelope and indicated they could spread the development out. Councilmember Barovsky asked what percentage of the lot would be used if an 18 foot house was built. Planning Director Purvis stated it would be a significantly larger footprint. Councilmember Barovsky expressed concern about the building spreading out and the greater impermeable surface created if the structure was restricted to 18 feet in height. She expressed concern regarding drainage issues on the site.

Mayor Jennings expressed concern regarding landscaping. He supported a zoned landscaping approach, allowing privacy for the resident and not effecting the views. He indicated support for the other recommendations with respect to structure height.

Councilmember House asked what would happen to drainage conditions if the house was spread out. Planning Director Purvis indicated the same conditions would have to be met.

Mayor Pro Tem Kearsley proposed landscaping zones.

In response to Councilmember Barovsky, Planning Director Purvis indicated an 18 foot structure could cover an additional 2/3rd of the lot. Mayor Jennings indicated the project could be moved closer to Pacific Coast Highway as well.

MOTION Mayor Pro Tem Kearsley moved and Councilmember House seconded a motion to direct staff to bring back a resolution approving the application but limiting the structure height to 18 feet; Zone A landscaping around the house limited to the structure height, with the remaining landscaping so that there are no view blockages of blue water; and including the following condition: "The "trellis-like" structure projecting from the west façade of the residence shall be limited to the height, size, bulk, projection and location as depicted on Plan "D" dated April 16, 2002. No additional "trellis-like" structure shall be added to the project site."

Mayor Jennings stated he would not support the motion due to the reduced structure height.

The question was called and the motion failed 2-2, Councilmember Barovsky and Mayor Jennings dissenting, Councilmember Stern absent.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to direct staff to bring back a resolution limiting the height of the second story to 22 feet, with a 14 foot height limit for the single story portion; Zone A landscaping around the house limited to the structure height, with the remaining landscaping so that there are no view blockages of blue water; and including the following condition: "The "trellis-like" structure projecting from the west façade of the residence shall be limited to the height, size, bulk, projection and location as depicted on Plan "D" dated April 16, 2002. No additional "trellis-like" structure shall be added to the project site."

Mayor Jennings indicated he could not support the motion because it did not follow the laws.

The question was called and the motion carried 3-1, Mayor Jennings dissenting and Councilmember Stern absent.

- C. GENERAL PLAN AMENDMENT NO. 02-002; ZONING MAP AMENDMENT NO. 02-002; NEGATIVE DECLARATION NO. 02-003 An Amendment to the Malibu General Plan Land Use Map from Rural Residential - 20 to Rural Residential - 5, and an Amendment to the Malibu Zoning Map from Rural Residential - 20 to Rural Residential - 5, on 68 Acres and Open Space Dedication of 57 Acres along the Northside of Latigo Canyon Road, Approximately 4,000 feet North of the Latigo Canyon/Pacific Coast Highway Intersection.
APPLICANT: City of Malibu; SETTLEMENT: George J. Rubens, as trustee of the George J. Rubens and Yvonne M. Rubens Family Trust, et al, and the City of Malibu; LOCATION: Northside of Latigo Canyon Road; GROSS ACREAGE: 68 acres
Staff recommendation: Remove this item from the Council agenda until Rubens Family Trust and the National Park Service (NPS) reach a tentative agreement.

By acclamation, this item was taken off the Council calendar.

RECESS Mayor Jennings called a recess at 9:15 p.m. The meeting reconvened at 9:27 p.m. with all Councilmembers present.

MOTION Councilmember Stern moved and Councilmember House seconded a motion to reorder the agenda to move Item 7.A. to this point.

ITEM 7 COUNCIL ITEMS

- A. Request of Mayor Pro Tem Kearsley to direct staff to draft and send a letter of support to Supervisor Yaroslavsky regarding the Trancas Sewer Rehabilitation Project

Mayor Pro Tem Kearsley requested the Council direct staff to send a letter of support to Supervisor Yaroslavsky regarding the Trancas Sewer Rehabilitation Project.

Dermot Stoker, Malibu West Swim Club President, urged the Council to support the project.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to direct staff to draft and send a letter of support to Supervisor Yaroslavsky regarding the Trancas Sewer Rehabilitation Project. The motion carried unanimously.

ITEM 5 OLD BUSINESS (CONTINUED)

- A. Comprehensive Local Coastal Program (LCP) Application – Review of ESHA and Marine/Land Resources Provisions (Section 2 of 6)

Staff recommendation: Consider potential modifications to the City's General Plan and to the September 2002 LCP and provide direction to the consultant for preparation of the LCP application.

Planning Director Purvis presented the staff report.

John Mazza discussed LCP Section 3.0.230. He suggested utilizing the 1986 language regarding tidepools.

Ted Vaill indicated concurrence with the staff recommendation. He noted that the Coastal Commission was electing a new Chair.

Marty Burton, representing two property owners in the Point Dume area, indicated the Point Dume area would be more burdened by the ESHA maps proposed by the City. He stated the intent was to reduce the designation from ESHA to resource protection areas.

Mary Ayerst provided suggested modifications to the LCP. She stated there was no geographical evidence of Point Dume Canyon, therefore ESHA should be deleted.

Judy Decker stated Point Dume had been singled out in the Coastal Commission's LCP. She stated Pt. Dume should be treated the same as other areas in Malibu.

Norm Haynie asked if the definition of coastal bluff had been modified. He suggested a definition of coastal bluff as follows: "A rise in topography with a slope that is greater than 50% and which is higher than 25 feet but is not separated from the mean high tideline by a public or private roadway and / or a line of houses."

The Council reviewed the LCP Land Use Plan and provided changes to the City's consultant including:

Revising LCP Land Use Plan Chapter 3, A. Introduction, first paragraph regarding "... precipitation ranging from 15 to 40 inches per year."

Revising LCP Land Use Plan Chapter 3, A. Introduction, second paragraph regarding "The Santa Monica Mountains are part of the Transverse Ranges, the only mountain range in California that is oriented in an east to west direction."

Amending LCP Land Use Plan Section C.1.a.3.6. as follows: "An area mapped as ESHA or meeting the ESHA criteria set forth in Policies 3.1 through 3.3 shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded at the time

was done, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.”

Amending LCP Land Use Plan Section C.1.b.3.16. to include information contained in the 1986 LCP.

Deleting LCP Land Use Plan Section C.1.d.3.35.

Specifying Environmental Review Board composition and qualifications in the non-LCP portion of the LIP / Zoning ordinance.

Revising LCP Land Use Plan Section C.1.g.3.50. related to non-invasive ornamental plants and lawn.

Amending LCP Land Use Plan Section C.1.g.3.53. to read as follows: “Fencing or walls shall be prohibited within riparian, bluff, or dune ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in an designated wildlife corridor.”

Amending LCP Land Use Plan Section C.1.g.3.58. to read as follows: “To protect seabird-nesting areas, no pedestrian access shall be provided on bluff faces except along existing, formal trails or stairways. New structures shall be prohibited on bluff faces.”

Provide a definition for “maximum extent feasible.”

Deleting LCP Land Use Plan Section C.1.i.3.64.

Amending LCP Land Use Plan Section C.4.e.3.151. as follows: “The maximum number of animals permitted on a site shall be limited to that appropriate to the parcel size, slope and location of ESHA.”

The Council indicated specific corrections and changes to the Local Coastal Program Local Implementation Plan.

ITEM 6 NEW BUSINESS

None.

ADJOURN At 10:52 p.m., Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to adjourn in memory of Former Planning Commissioner Ed Lipnick, Corporal Jason D. Fisher, Private First Class Joseph P. Favorito III and Bea Poole. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on January 27, 2003.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)